

## **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

### **Disposition of Claims**

Claims 1-36 are pending in this application. Claims 1, 17, 35, and 36 are independent. The remaining claims depend, directly or indirectly, from claims 1, 17, 35, and 36.

### **Drawings**

The Examiner has failed to accept the drawings filed on July 5, 2001. Applicant respectfully requests the Examiner to indicate whether the filed formal drawings are acceptable.

### **Rejection(s) under 35 U.S.C § 103**

Claims 1, 7, 12, 14-19, and 31-36 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Number 6,151,606 ("Mendez") and in view of applicant-admitted prior art ("AAPA"). This rejection is respectfully traversed.

The Examiner asserts that Mendez in view of the AAPA teaches the claimed invention. Applicant respectfully disagrees. Mendez and the AAPA fail to teach the following:

- i. creating a temporary workspace;
- ii. storing selected data into the temporary workspace;
- iii. updating the remote workspace with the data in the temporary workspace; and
- iv. checking for physical existence of the local workspace and remote workspace prior to requesting the server to create the temporary workspace.

Specifically, the Examiner asserts that Mendez teaches generating a request from the client to the server for a workspace. Applicant respectfully disagrees. Mendez teaches

requesting a workspace data manager to provide an *interface* for enabling manipulation of downloaded workspace data (see Mendez, Abstract). In contrast, the client of the present invention requests permission directly from the server to create a workspace, specifically a *temporary workspace*, without the intervention of an interface (such as a workspace data manager).

Further, the Examiner asserts that the AAPA teaches creating child workspaces with copies of the parent workspace, which are used temporarily. However, the AAPA teaches a mechanism that allows transactions to be executed between a local (on the client side) and a remote workspace (on the server side) (see page 3, paragraph [0007] of the instant specification). Thus, the AAPA simply teaches communicating between a local and remote workspace and does not imply in any way the use of a *temporary workspace* as the Examiner asserted.

The Examiner also asserts that Mendez teaches checking for a physical existence of the local workspace and requesting the server to check for physical existence of remote workspace prior to requesting the server to create the temporary workspace. However, Mendez simply teaches that a system may include a network connection (see Mendez column 5, lines 9-13). Mendez does not teach checking for the existence of a local workspace, nor does Mendez teach requesting the server to check for the existence of a remote workspace. In contrast, the claimed invention checks for the physical existence of the local workspace and requests that the server check for the physical existence of a remote workspace prior to requesting the server to create the temporary workspace.

In view of the above, Mendez and the AAPA, whether considered separately or together, fail to show or suggest the present invention as recited in the claims. Thus, claims 1, 17, 35, and 36 are patentable over Mendez and the AAPA. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-6, 13, and 25-29 stand rejected under 35 U.S.C. § 103(a) as obvious over Mendez and the AAPA, and in further view of U.S. Patent Number 6,098,093 (“Bayeh”). This rejection is respectfully traversed.

For the same reasons cited above, Mendez and the AAPA, whether considered separately or together, fail to show or suggest the present invention as recited in the claims. Further, Bayeh does not teach what Mendez and the AAPA lack. Because Mendez and the AAPA do not teach the present invention, as asserted above, Bayeh would need to teach or suggest each element of the present invention for the Examiner to maintain this rejection. Applicant asserts that Bayeh fails to teach or suggest at least the following elements of the present invention: (1) creating a temporary workspace, (2) storing selected data into the temporary workspace, (3) updating the remote workspace with the data in the temporary workspace, and (4) checking for physical existence of the local workspace and remote workspace prior to requesting the server to create the temporary workspace. In view of the above, Mendez, the AAPA, and Bayeh whether considered separately or together, fail to show or suggest the present invention as recited in the claims. Thus, claims 2-6, 13, and 25-29 are patentable over Mendez and the AAPA, in further view of Bayeh. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8-11, 20-24, and 30 stand rejected under 35 U.S.C. § 103(a) as obvious over Mendez and the AAPA, and in further view of U.S. Patent Number 5,878,218 (“Maddalozzo”). This rejection is respectfully traversed.

For the same reasons cited above, Mendez and the AAPA, whether considered separately or together, fail to show or suggest the present invention as recited in the claims. Further, Maddalozzo does not teach what Mendez and the AAPA lack.

The Examiner asserts that Maddalozzo teaches the use of filenames and checksums to verify availability, file difference, and checksum differences in the set of different files. The Applicant respectfully asserts that Maddalozzo teaches using the filename, timestamp, and

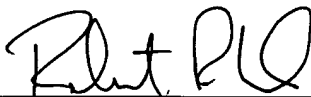
checksum to find the latest version of a specific data file (see Maddalozzo column 9, line 15 – column 10, line 47). However, Maddalozzo does not teach using the filename and checksum to determine a *set* of different files. In fact, Maddalozzo only teaches finding a specific file, not differences in a set of files. In contrast, the claimed invention teaches a way to determine the set of different files by sending a request from the client to the server for filenames and checksums in the remote workspace, and comparing the filenames and checksums in the remote workspace with the filenames and checksums in the local workspace.

In view of the above, Mendez, AAPA, and Maddalozzo whether considered separately or together, fail to show or suggest the present invention as recited in the claims. Thus, claims 8-11, 20-24, 30 are patentable over Mendez and the AAPA, in further view of Maddalozzo. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159.010001).

Dated: November 24, 2004

Respectfully submitted,

By 

Robert P. Lord  
Registration No.: 46,479  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant